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11/14/2023

John Janusson and Betty Yee
7218 78th Avenue Southeast
Mercer Island, WA 98040
Reference: SUB22-005 – Public Comment Response

Dear John Janusson and Betty Yee:

The following is in response to the email to Molly McGuire, Planner at the City of Mercer Island Community Planning and Development, dated August 24, 2023.

Comment

1) Per the plan the clearance from the building and our property line is 6.25 feet, and there are statements in the tree retention plans that state the lot 2 house will be moved even closer to our property for tree clearance reasons. What is the minimum clearance allowed by code?

Response:

Referring to the code and interpretation of the planner stating in pre-application 3, dated November 2, 2021:

- 1) The total side yard depth for Lots A and B are 18.7 feet based on the lot widths of 110 feet (i.e. 17% of the lot width). The minimum individual side yard is 6.2 feet (i.e. 33% of the total side yard depth). Note that variable side yard setback requirements may increase the minimum individual side yard requirements based on building height adjacent to the side yards. The greater of the side yard setbacks applies. See MICC 19.02.020.C.1.c.
- 2) If the building height is less than 15 feet along the side yard, no variable side yard setback requirement applies. The side yards would be determined by lot width: 18.7 feet total side yard depth and minimum individual side yard depth of 6.2 feet.

The proposed building height along the side yard intent to stay below 15 feet, hence no variable side yard setback requirement applies, the minimum individual side yard depth is 6.2 feet. This will be respectfully adhered to during building permit. In addition, it will not be approved by the city if compliance is not met.

Per email by Planner, Andrew Leon of the city dated September 15, 2022, 11:45 AM. Andrew clarify that As a part of review of the subdivision and building permits for future houses, the city will be ensuring that building pad and setback requirements are being met.

2) The drawing shows a "retaining wall" between the lot 2 house and our property line. Our property line features a retaining wall of our own. In short - this plan states the in the 6.25 feet between our property

line/retaining wall and the new house there will be another retaining wall.

Response: Please refer to response letter from Apex Engineering.

My respectful request to see more details on on the site plan as I feel it is currently not compliant or feasible without changing the floorplan of the buildings.

Response: Per email by Planner, Andrew Leon of the city dated September 15, 2022, 11:45 AM. Andrew clarify that As a part of review of the subdivision and building permits for future houses, the city will be ensuring that building pad and setback requirements are being met.

I'm copying our previous concerns here Sept 13, 2022 - In reviewing the Preliminary Lot Plan, the garage of the home on Lot B is planned close to our property. We request that the Lot B residence setback from the South property line be increased by 10 feet over and above the minimums defined by code. This would allow a natural privacy barrier such as arborvitae to be planted on the south side of Lot B and grow to a significant height. We would not be able to accommodate a natural barrier or fence on our property without removing our preexisting fruit trees.

Response: In the context of this development project, the sole access point to the site is limited to 78th Ave SE, with a crucial stipulation that access must remain within 150 feet to avoid the impracticality of requiring a fire engine turnaround. As a result, the garage design is tailored to meet the minimum setback requirements. Furthermore, a strong emphasis is placed on preserving the trees along the northern side of the property to minimize environmental impact, this comply with the city requirement of conserving exceptional trees. To foster neighborly relations, the decision has been made to construct the garage as a single-story building.

As noted in the Pre-Application Meeting (PRE21-052), no projections, including eaves, are permitted in the minimum side yard setback from interior lot lines, and the garage should be designed accordingly.

Response: There will be no projections, including eaves, are permitted in the minimum side yard setback from interior lot lines, and the garage current footprint is reflecting this and it will be designed accordingly.

Also noted in PRE21-052, the building setback requirement applies to Lot B building/garage. Currently, as acknowledged in the developer's application materials in the Subdivision Guaranty, the fencing on the South property currently encroaches onto our property. Furthermore, the building overhang of the shed also encroaches over the South property line. We are concerned that required setbacks will be met in the proposed development and are concerned about the developer respecting the true property line, which has been staked by rebar.

Response: The proposed development (building pad) is measuring all setback lines from the surveyed property. Any encroachment of fencing onto your property will be removed accordingly or to be brought back to the surveyed property line. The true property line will be staked by certified surveyor according to their survey on site when any construction start to take place. This is standard procedure and the developer will adhere respectfully to it.

Architect: 5ft2 Studio Architects

By: 

Peik Li Pang, AIA, Architect